

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE MARCH 29, 2007

## SENATE BILL

**No. 107**

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**Introduced by Senator Alquist**  
**(Coauthors: Senators Kuehl and Ridley-Thomas)**  
**(Coauthor: Assembly Member Solorio)**

January 18, 2007

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~~An act to add and repeal Chapter 19 (commencing with Section 50899) of Part 2 of Division 31 of the Health and Safety Code, relating to community development. An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 107, as amended, Alquist. ~~Community development: healthy food choices. Wave pools.~~

*Existing law regulates safe recreational water use, including, but not limited to, the recreational use of reservoirs, public beaches, and swimming pools. The Swimming Pool Safety Act establishes certain safety standards requiring swimming pool enclosures, safety pool covers, or exit alarms, as defined, or certain other means of protection.*

*This bill would enact the Wave Pool Safety Act and require a wave pool operator to comply with several specified safety requirements, including, but not limited to, providing a life vest that is free and available for use by any nonswimmer, as defined, child under 48 inches in height, or any other patron at the request of the patron, as specified. The bill would require children under 48 inches in height, regardless*

*of whether the child is accompanied by an adult, to wear a life vest to gain access to a wave pool. The bill would further require a specified audible signal to be used prior to resuming wave action to warn patrons, as defined, of impending waves. The bill would also require signs indicating these requirements to appear at the ticket booth or entrance gate to the park or other facility where the wave pool is located. The bill would require lifeguards to be assigned to guard a wave pool, as specified.*

~~Existing law charges the Department of Housing and Community Development with the administration of various programs that facilitate community development, including the Community Development Block Grant Program. Existing law also requires the State Department of Health Services to develop a “Healthy Food Purchase” pilot program and to establish and implement a “5 A Day For Better Health” program to promote consumption of fruit and vegetables. This duty will be transferred to the State Department of Public Health on July 1, 2007.~~

~~This bill would require the State Department of Public Health, until January 1, 2015, in partnership with other programs and services within the Business, Transportation and Housing Agency, and to the extent funds are appropriated, to establish the “Healthy Food Retail Innovations Fund” to provide residents of underserved communities with retail food markets that would offer high quality fruit, vegetables, and other healthy foods and encourage retail innovation. The bill would also require the department to provide grants and loans on a competitive basis for land acquisition, business plan development, feasibility studies, refrigeration units, outside technical assistance, and other startup costs. It would also require the department to report to the Legislature annually, as specified, on projects funded through this program.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature finds and declares all of the*  
2     *following:*

3     (a) *The purpose of the Wave Pool Safety Act is to help safeguard*  
4     *wave pool users who are most at risk.*

5     (b) *The provisions of this act should not be interpreted to*  
6     *diminish the role of parents or adults charged with supervising*  
7     *children in wave pools. Parents and adults who supervise children*

1 *need to be educated about the potential dangers and inherent risks*  
2 *for children and nonswimmers using wave pools. Working in*  
3 *tandem with lifeguards on duty, parents and adults supervising*  
4 *children need to remain alert while children are in the water.*

5 *(c) The Legislature encourages the aquatic industry to release*  
6 *public service announcements regarding the provisions of this act*  
7 *and educate the public as to the dangers for children and*  
8 *nonswimmers using, and the safety requirements of, wave pools.*

9 *SEC. 2. Article 2.7 (commencing with Section 115950) is added*  
10 *to Chapter 5 of Part 10 of Division 104 of the Health and Safety*  
11 *Code, to read:*

12  
13 *Article 2.7. Wave Pool Safety Act*  
14

15 *115950. This article shall be known and may be cited as the*  
16 *Wave Pool Safety Act.*

17 *115951. For purposes of this article, the following definitions*  
18 *shall apply:*

19 *(a) "Nonswimmer" means a person who is a weak swimmer or*  
20 *a person who cannot swim.*

21 *(b) "Patron" means a swimmer or nonswimmer using a wave*  
22 *pool.*

23 *(c) "Rest period" means a period of time that the wave*  
24 *generating equipment for the wave pool is not being operated.*

25 *(d) "Wave pool" means a swimming pool designed for the*  
26 *purpose of producing wave action in the water.*

27 *115952. On and after January 1, 2009, a wave pool in this*  
28 *state shall comply with all of the following:*

29 *(a) (1) A wave pool operator shall provide a life vest that is*  
30 *free and available for use by a nonswimmer or a child under 48*  
31 *inches in height. A wave pool operator shall also provide a life*  
32 *vest that is free and available for use to any other patron at the*  
33 *request of the patron.*

34 *(2) Notwithstanding paragraph (1), a patron, including a*  
35 *nonswimmer and child, may use his or her own life vest if that life*  
36 *vest meets nationally recognized standards for safety.*

37 *(b) (1) Children under 48 inches in height, regardless of*  
38 *whether the child is accompanied by an adult, shall wear a life*  
39 *vest to gain access to a wave pool.*

1     (2) A child 14 years of age and under shall be accompanied by  
2     an adult.

3     (3) A child who is either six years of age and under or under  
4     48 inches in height shall be accompanied in the wave pool by an  
5     adult who shall be within arm's length of the child in the wave  
6     pool.

7     (4) A child or patron who does not satisfy the requirements of  
8     this subdivision may not access the wave pool.

9     (c) In all cases where wave action is suspended for any reason,  
10    an audible signal shall be used prior to resuming wave action to  
11    warn patrons of impending waves. That audible signal shall sound  
12    for at least 30 seconds prior to resuming wave action.

13    (d) Lifeguards shall be assigned to guard a wave pool. The wave  
14    pool operator shall ensure that there is at least one lifeguard for  
15    each 2,000 square feet of water surface area over 12 inches of  
16    static water depth that is available for use to patrons. A lifeguard  
17    required by this subdivision shall have an unobstructed view of,  
18    and be able to completely observe, the wave pool.

19    (e) A shutoff valve for the wave equipment shall be easily  
20    accessible to the lifeguards and other pool officials.

21    (f) A wave pool shall have a minimum rest period of 30 minutes  
22    within each hour of operation.

23    (g) Signs indicating the requirements described in subdivisions  
24    (a) to (c), inclusive, shall appear at the ticket booth or entrance  
25    gate to the park or other facility where the wave pool is located.

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28     **All matter omitted in this version of the bill**  
29     **appears in the bill as amended in Senate,**  
30     **April 18, 2007 (JR11)**  
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